

## RECORD OF PROCEEDINGS

---

### **CALL TO ORDER**

A regular meeting of the Council Bluffs City Council was called to order by Mayor Tom Hanafan at 7:00 p.m., April 14, 2008.

### **ATTENDANCE**

Present: Council members Darren Bates, Lynne Branigan, Matt Schultz, Matt Walsh. Mayor Tom Hanafan.

Absent: Council member Scott Belt

Staff present: Richard Wade, City Attorney; Judith Ridgeley, City Clerk

### **PROCLAMATIONS**

Mayor Hanafan read a proclamation declaring Parkinson's Disease Awareness Month. Mayor Hanafan read a proclamation declaring April as Architecture Month. Bob Bergen was present to accept the Architecture proclamation.

### **CONSENT AGENDA**

Walsh and Bates moved and seconded approval of the Consent Agenda as presented: Unanimous

### **PUBLIC HEARINGS**

#### **Resolution 08-81**

Held public hearing authorizing disposal of City property legally described as the west ½ of Lot 4, Block 13, Grimes Addition. Walsh and Bates moved and seconded approval of Resolution 08-81. Unanimous

#### **Resolution 08-96**

Held public hearing instituting proceedings to take additional action for the issuance of not to exceed \$6,621,000 general obligation bonds, Series 2008. Branigan and Walsh moved and seconded approval of Resolution 08-96. Unanimous

#### **Resolution 08-97**

Held public hearing instituting proceedings to take additional action for the authorization and issuance of not to exceed \$255,000 general obligation bonds, Series 2008. Branigan and Schultz moved and seconded approval of Resolution 08-97. Unanimous

#### **Resolution 08-98**

Held public hearing instituting proceedings to take additional action for the authorization and issuance of not to exceed \$105,000 general obligation bonds, Series 2008. Branigan and Bates moved and seconded approval of Resolution 08-98. Unanimous

#### **Resolution 08-99**

Held public hearing instituting proceedings to take additional action for the authorization and issuance of not to exceed \$600,000 general obligation bonds, Series 2008. Walsh and Schultz moved and seconded approval of Resolution 08-99. Unanimous

#### **Resolution 08-100**

Held public hearing instituting proceedings to take additional action for the authorization and issuance of not to exceed \$430,000 general obligation bonds, Series 2008. Branigan and Bates moved and seconded approval of Resolution 08-100. Unanimous

#### **Resolution 08-101**

Held public hearing to vacate and dispose of the East/West alley abutting Lot 8 and Lot 9 and the East 115 feet of Lot 7, Block 5, Park Addition, City of Council Bluffs, Pottawattamie County, Iowa. Branigan and Walsh moved and seconded approval of Resolution 08-101. Unanimous

#### **Resolution 08-102**

Held public hearing approving the plans, specifications, form of contract and cost estimate for the 31<sup>st</sup> Street Improvements, Phase

## **RECORD OF PROCEEDINGS**

---

II, 2<sup>nd</sup> Avenue to Avenue B. Branigan and Schultz moved and seconded approval of Resolution 08-102. Unanimous

### **Ordinance 5979**

Held public hearing to amend zoning map by changing district designation of property located at 1500 North Broadway from R-1/Single Family Residential to R-3/Low Density Multi-Family Residential with planned residential overlay. Emmett Kinley, 134 North Drive spoke in favor of the ordinance. Branigan and Bates moved and seconded approval of Ordinance 5979. Unanimous.

Walsh and Schultz moved and seconded to waive third reading of Ordinance 5979. Unanimous

### **Ordinance 5981**

Held public hearing to amend the zoning map by changing district designation of property located at 427 21<sup>st</sup> Avenue from R-2/Two Family Residential to C-2/Commercial. Roberta Jay, 522 22<sup>nd</sup> Avenue, and Gary Slatten, 1915 S 8<sup>th</sup> were present in opposition of the ordinance. Mike Collins, 520 21<sup>st</sup> Avenue, was present in support of the rezoning. Bates moved to approve Ordinance 5981. The motion died due to lack of a second. Branigan and Walsh moved to deny Ordinance 5981. Schultz moved to amend the motion and to continue Ordinance 5981 until the regular meeting June 9, 2008 at 7:00 p.m. Bates seconded the motion. Branigan and Walsh withdrew the motion to deny the rezoning and concurred with the amended motion. Unanimous

### **Ordinance 5982**

Held public hearing to amend the zoning map by changing district designation of property consisting of approximately 424 acres in five tracts of land which were recently annexed, located directly east of the MidAmerican Energy Plant. Walsh and Schultz moved and seconded approval of Ordinance 5982. Unanimous

### **ORDINANCES ON SECOND READING**

Ordinance 5983, 5984, 5985, 5986, 5987, 5988, 5989, 5990, 5991, 5992 and 5993

Walsh and Branigan moved and seconded approval of eleven ordinances amending portions of the Municipal Code, Title 13, Building and Construction provisions. Unanimous

Branigan and Schultz moved and seconded to waive third reading of the above eleven ordinances amending portions of the Municipal Code regarding building and construction provisions. Unanimous

### **ORDINANCES ON FIRST READING**

Ordinance 5995

Branigan and Bates moved and seconded introduction of Ordinance 5995, amending Title 13 of the Municipal Code, Buildings and Construction, Chapter 13.21 entitled Property Maintenance Code by adding Section 13.21.068 entitled "Extermination" Unanimous

### **Ordinance 5996**

Schultz and Branigan moved and seconded to continue Ordinance 5996, regarding compensation of Mayor, until the regular meeting on April 28, 2008 at 7:00 p.m. 3 Aye, 1 Nay (Walsh)

### **RESOLUTIONS**

Resolution 08-103

Branigan and Schultz moved and seconded approval of Resolution 08-103, adopting a Planned Residential Plan for Hospice of Southwest Iowa. Unanimous

Resolution 08-104

Branigan and Schultz moved and seconded to amend Resolution 08-104 by placing the agreement under the governance of Iowa statutes. Unanimous. Vote on Resolution 08-104 as amended.

## **RECORD OF PROCEEDINGS**

---

Unanimous

**Resolution 08-105** Walsh and Bates moved and seconded approval of Resolution 08-105 authorizing the Mayor to execute the Order Accepting Acknowledgement/Settlement from Larosita, LLC for a second violation of Iowa's tobacco laws. Unanimous

**Resolution 08-106** Branigan and Bates moved and seconded approval of Resolution 08-106, authorizing the Mayor to execute the Order Accepting Acknowledgement/Settlement Agreement from Sapp Bros, for a violation of Iowa Code Section 453A.2(1). Unanimous

**Resolution 08-107** Branigan and Schultz moved and seconded approval of Resolution 08-107, authorizing the Mayor to execute Order Accepting Acknowledgement/Settlement Agreement from Tobacco Hut 6 for a violation of Iowa's tobacco laws. Unanimous

**Resolution 08-108** Schultz and Branigan moved and seconded approval of Resolution 08-108, authorizing the Mayor to execute agreement with HDR Engineering, Inc., for engineering services in connection with the traffic signal systems evaluation and programming. 2 Aye, 2 Nay (Bates, Walsh) Motion failed.

**Resolution 08-108** Branigan and Bates moved and seconded approval of Resolution 08-109, amending the use of B-08 Community Development Block Grant Funds, Home Investment Partnership Funds, and American Dream Downpayment Assistance Funds. Unanimous

**Resolution 08-110** Branigan and Walsh moved and seconded approval of Resolution 08-110, directing the Mayor to award the 30 and 40 cubic yard container bid to Gregory Container, Inc. Unanimous

**Resolution 08-111** Walsh and Bates moved and seconded approval of Resolution 08-111, authorizing the Mayor to enter into agreement and award bid to Leazenby Const. for the Valley View Greenway Trail project. Unanimous

### **MAYOR APPOINTMENTS**

Walsh and Schultz moved and seconded to concur with the Mayor's appointments to: Citizen/Police Advisory Board, Civil Service Commission, City Planning Commission, and Council Bluffs Plumbing Board of Appeals. Unanimous

### **CITIZEN'S LETTERS**

Received from Shirley Linder, regarding dead tree removal.

### **RECEIVE AND FILE ITEMS**

Branigan and Walsh moved and seconded to receive and file the Audit Report for FY 6/30/07; four notices of claims; and two notices of expiration of right of redemption. Unanimous

### **APPLICATIONS FOR PERMITS OR CANCELLATIONS**

Walsh and Bates moved and seconded approval of renewal of liquor license for Tobacco Hut #14. 3 Aye, 1 Nay (Schultz)

Bates and Walsh moved and seconded approval of renewal of liquor licenses for the following establishments: Council Bluffs Country Club, D & S Express, Kum & Go #219, Kum & Go #220, Red Lobster, Vino's Lounge, and Woods Sporting Goods. Unanimous

## RECORD OF PROCEEDINGS

---

### **CITIZEN'S REQUEST TO BE HEARD**

Ms. Shirley Linder spoke to Council regarding the debt owed the City for removal of dead trees.

Ms. Connie Stall, 2901 Avenue C, expressed her concern with graffiti and vandalism in her neighborhood; and the water problems being experienced by residents since 29<sup>th</sup> Street was resurfaced.

### **OTHER BUSINESS**

Schultz moved to suspend action by the Mayor & City Staff from moving the automobile exception ordinance to the Planning Commission until further notice by the City Council. Walsh seconded. Unanimous

### **ADJOURNMENT**

Schultz and Bates moved and seconded to adjourn the meeting at 8:12 p.m. Unanimous

The tape recording of this proceeding, though not transcribed, is part of the record of each respective action of the Council. The tape recording of this proceeding is incorporated into these official minutes of this Council meeting as if they were transcribed herein.

ATTEST:

\_\_\_\_\_  
Thomas P. Hanafan, Mayor

\_\_\_\_\_  
Judith H. Ridgeley, City Clerk